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UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

RECEIVED

JUN 11 2008

AT 8:30
WILLIAM T. WALSH
CLERK

INSIGNIA INVESTMENT
MANAGEMENT GROUP, LLC,

Plaintiff,

v.

ARYEH M. SCHOTTENSTEIN, *et al.*,

Defendants.

Civil Action No. 07-4853(MLC)

ORDER TOLLING TIME TO
FILE RESPONSIVE PLEADING
UNDER RULE 12(A)(4)(A)

On the application of defendant Ronald M. Stern, Esq. for an Order tolling the time for him to file a responsive pleading under Rule 12(a)(4)(A) of the Federal Rules of Civil Procedure, to the extent that rule otherwise is applicable; defendant Stern timely having filed on January 22, 2008 a motion to dismiss in lieu of answer under Rule 12(b)(6) of the Federal Rules of Civil Procedure; the Court having entered on May 13, 2008 an Order to Show Cause, returnable June 9, 2008, that included a provision dismissing defendant Stern's motion to dismiss "“WITHOUT PREJUDICE, and with leave to move anew upon proper papers, upon the resolution of the Court's Order to Show Cause” (emphasis in original); application of Rule 12(a)(4)(A) to require that defendant Stern file a responsive pleading within 10 days after the May 13, 2008 Order to

Show being inconsistent with the contemplation in that Order that defendant Stern may renew his motion to dismiss after resolution of the Order to Show Cause; and for good cause shown,

IT IS on this 10 day of June, 2008,

ORDERED that the time period under Rule 12(a)(4)(A) (to the extent that it is otherwise applicable) is tolled pending resolution of the Order to Show Cause, and it is

FURTHER ORDERED that defendant Stern may renew his motion to dismiss in lieu of answer within 10 days after the resolution of the Order to Show Cause if this action remains in this Court, or within such time as may be established by the United States District Court for the Northern District of Ohio if the action is transferred.

{Docket Entry # 42 is terminated}


Hon. Toniaime J. Bongiovanni, U.S.M.J.